

Gary M. Hoffman (*Pro Hac Vice*)
Kenneth W. Brothers(*Pro Hac Vice*)
DICKSTEIN SHAPIRO MORIN
& OSHINSKY, LLP
2101 L Street, NW
Washington, DC 20037-1526
Phone (202) 785-9700
Fax (202) 887-0689

Edward A. Meilman (*Pro Hac Vice*)
DICKSTEIN SHAPIRO MORIN
& OSHINSKY, LLP
1177 Avenue of the Americas
New York, New York 10036-2714
Phone (212) 835-1400
Fax (212) 997-9880

Jeffrey B. Demain, State Bar No. 126715
Jonathan Weissglass, State Bar No. 185008
ALTSHULER, BERZON, NUSSBAUM, RUBIN & DEMAINE
177 Post Street, Suite 300
San Francisco, California 94108
Phone (415) 421-7151
Fax (415) 362-8064

Attorneys for Ricoh Company, Ltd.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

RICOH COMPANY, LTD.,

Plaintiff,

vs.

AEROFLEX INCORPORATED, et al.,

Defendants.

CASE NO. CV 03-04669-MJJ

**RICOH'S UNOPPOSED MOTION TO
SHORTEN TIME FOR HEARING ON
RICOH'S CROSS MOTION TO
CONSOLIDATE**

**Date: Not Set
Time: Not Set
Courtroom: 11**

1 Plaintiff, Ricoh Company, Ltd. (Rico), seeks an Order from this Court under Local Rule 6-3(a)
2 to advance the time for hearing on Rico's cross-motion to consolidate from January 6, 2004 to
3 December 9, 2003, when a hearing is already scheduled on the related issue of defendants' motion to
4 stay. This motion is not opposed by defendants. Counsel for Rico and defendants have agreed that
5 defendants' response may be incorporated into their reply in support of their motion for stay, and Rico
6 waives any further written response in support of this motion. There have been no previous requests by
7 any party to reschedule this motion to consolidate. Defendants' counsel have stated they have no
8 objection to Rico's cross-motion to consolidate being heard on December 9, 2003. A proposed order is
9 submitted herewith.
10

11 12 RELIEF REQUESTED

13 Rico seeks an Order from this Court scheduling a hearing on Rico's cross-motion to
14 consolidate on December 9, 2003, in conjunction with the previously scheduled hearing on defendants'
15 motion for stay. Defendants' response may be incorporated into their reply in support of their motion,
16 and Rico waives any further written response.
17

18 19 MEMORANDUM OF POINTS AND AUTHORITIES

20 21 I. STATEMENT OF ISSUE TO BE DECIDED

22 *Whether this Court should consider Rico's cross-motion to consolidate at the same time that it*
23 *considers defendants' motion to stay?*
24

25 26 II. ARGUMENT

27 In response to defendants' motion to stay, Rico has explained why that motion should
28 be denied and why the two cases should be consolidated. All of Rico's arguments in favor of

consolidation are set forth in its brief in opposition to defendants' motion to stay. It makes sense to consider both issues at the same time.

III CONCLUSION

For the foregoing reasons, the Court should reset the date for hearing on Ricoh's cross-motion to consolidate to December 9, 2003.

Dated: November 25, 2003

Respectfully submitted,

Ricoh Company, Ltd.

By: Kenneth Brothers
Jeffrey B. Demain, State Bar No. 126715
Jonathan Weissglass, State Bar No. 185008
Altshuler, Berzon, Nussbaum, Rubin & Demain
177 Post Street, Suite 300
San Francisco, California 94108
Phone: (415) 421-7151
Fax: (415) 362-8064

Gary M. Hoffman
Ken Brothers
Eric Oliver
DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP
2101 L Street NW
Washington, D.C. 20037-1526
Telephone: (202) 785-9700
Facsimile: (202) 887-0689

Attorneys for Ricoh Company, Ltd.